



General Assembly

Substitute Bill No. 454

January Session, 2009

* SB00454PH_APP032709 *

AN ACT CONCERNING NURSING HOME STAFFING LEVELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) As used in this section,
2 (1) "direct care" means hands-on care provided to residents of nursing
3 home facilities, including, but not limited to, feeding, bathing,
4 toileting, dressing, lifting and moving such residents, but does not
5 include food preparation, housekeeping or laundry services, except
6 when such services are required to meet the needs of any such resident
7 on an individual situational basis. Direct care does not include care
8 provided by paid feeding assistants, as defined in 42 CFR 488.301; (2)
9 "nursing home facility" means a chronic and convalescent nursing
10 home or rest home with nursing supervision; (3) "commissioner"
11 means the Commissioner of Public Health; and (4) "department"
12 means the Department of Public Health.

13 (b) Each nursing home facility shall have sufficient direct care staff
14 to meet or exceed the following standards:

15 (1) On and after October 1, 2011, not less than three and one-half
16 hours of direct care per resident over a twenty-four-hour period;

17 (2) On and after October 1, 2012, not less than three and ninety-five-
18 hundredths hours of direct care per resident over a twenty-four-hour
19 period; and

20 (3) On and after October 1, 2013, not less than four and two-tenths
21 hours of direct care per resident over a twenty-four-hour period.

22 (c) Any nursing home facility that fails to comply with the direct
23 care provider staffing level required under subsection (b) of this
24 section on any day shall submit a report to the department, identifying
25 the day on which and the shift during which such noncompliance
26 occurred and specifying the reasons for and circumstances
27 surrounding such noncompliance. The report required by this
28 subsection shall be submitted on a quarterly basis. If such facility fails
29 to submit any report required by this subsection or intentionally
30 misrepresents the information contained in any such report, or if the
31 commissioner determines that there is sufficient evidence to support a
32 finding that there exists a pattern of noncompliance by such facility
33 with the direct care provider staffing level required under subsection
34 (b) of this section, the commissioner shall take action against such
35 facility in accordance with sections 19a-524 to 19a-528, inclusive, of the
36 general statutes, as amended by this act. In addition to the action
37 described in this subsection, the commissioner may, in accordance
38 with the provisions of section 19a-494 of the general statutes, take
39 disciplinary action against a nursing home facility if the commissioner
40 determines that such facility has substantially failed to comply with
41 such direct care provider staffing level or the commissioner may take
42 such other action as authorized under the general statutes.

43 (d) The direct care provider staffing level required under subsection
44 (b) of this section is the minimum direct care provider staffing level for
45 a nursing home facility. Each nursing home facility shall employ
46 sufficient direct care providers to provide adequate services to meet
47 patient needs. At the time of an inspection, the department shall
48 calculate the amount of hours provided by direct care providers at
49 such facility to the total number of care hours required for patient
50 needs pursuant to subsection (e) of this section.

51 (e) At the time of any inspection of a nursing home facility, the
52 department shall assess residents' care needs to ensure that sufficient

53 numbers and levels of direct care providers are provided by a facility
54 to meet required resident care needs. Such assessment shall be based
55 on the 1995 and 1997 Staff Time Measurement (STM) Studies,
56 published by the federal Centers for Medicare and Medicaid Services,
57 that determine the nursing minutes needed to care for each resident as
58 ranked in the Resource Utilization Group-III, resident classification
59 system, provided the department shall update the basis of such
60 assessment upon the publication of the 2008 Staff Time and Resource
61 Intensity Verification (STRIVE) Project, or any subsequent version of
62 the federal staff time measurement study or any subsequent
63 reclassification of such resource utilization group. In making such
64 assessment of residents' care needs, the department shall use the data
65 results of the last full resident assessment of such facility as required
66 by the federal Centers for Medicare and Medicaid Services Minimum
67 Data Set. The department shall compare the total number of care hours
68 required by the category scores for such resource utilization group to
69 the amount of care actually provided by direct care providers at such
70 facility. If such total number of care hours actually provided is less
71 than such number of care hours required by the Resource Utilization
72 Group-III, the department shall review the methodology used by such
73 facility to determine the number, experience and qualifications of
74 nursing personnel necessary to meet residents' care needs and shall
75 report such information to the Department of Social Services.

76 (f) The commissioner shall adopt regulations, in accordance with
77 chapter 54 of the general statutes, to carry out the provisions of this
78 section.

79 Sec. 2. Section 19a-524 of the general statutes is repealed and the
80 following is substituted in lieu thereof (*Effective July 1, 2009*):

81 If, upon review, investigation or inspection pursuant to section 19a-
82 498, the Commissioner of Public Health determines that a nursing
83 home facility has violated any provision of section 17b-406, 19a-521 to
84 19a-529, inclusive, 19a-531 to 19a-551, inclusive, or 19a-553 to 19a-555,
85 inclusive, section 19a-491a, 19a-491b, 19a-493a, [or] 19a-528a or section

86 1 of this act or any regulation in the Public Health Code or regulation
 87 relating to licensure or the Fire Safety Code relating to the operation or
 88 maintenance of a nursing home facility, which violation has been
 89 classified in accordance with section 19a-527, he shall immediately
 90 issue or cause to be issued a citation to the licensee of such nursing
 91 home facility. Governmental immunity shall not be a defense to any
 92 citation issued or civil penalty imposed pursuant to sections 19a-524 to
 93 19a-528, inclusive. Each such citation shall be in writing, shall provide
 94 notice of the nature and scope of the alleged violation or violations and
 95 shall be sent by certified mail to the licensee at the address of the
 96 nursing home facility in issue. A copy of such citation shall also be sent
 97 to the licensed administrator at the address of the facility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	19a-524

AGE	<i>Joint Favorable Subst. C/R</i>	PH
PH	<i>Joint Favorable Subst. C/R</i>	APP